

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:92CR238

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
KAREEM TOMBLIN,)
)
Defendant.)
_____)

ORDER

THIS MATTER is before the Court on Defendant's Motion for Leave to File Notice of Appeal, filed February 21, 2006.

Through his motion Defendant seeks this Court's permission to appeal a February 8, 1994,¹ Order which amended the caption of a January 10, 1994, Judgment and Order. Defendant argues that the district court lacked subject matter jurisdiction to enter the February 1994, Order.

Pursuant to Rule 4(b)(1) of the Federal Rules of Appellate Procedure, a defendant in a criminal case has ten days from the entry of the order at issue to file an appeal. Fed. R. App. P. 4(b)(1)(A)(i). The Federal Rules of Appellate Procedure permit a district court, upon a finding of excusable neglect or good cause, to extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by Rule 4(b). Fed. R. App. P. 4(b)(4).

¹ Defendant states in his motion that he is challenging a February 8, 1993, Order. The challenged Order which he attaches to his motion, however, is dated February 8, 1994. Moreover, no Order was entered in his case on February 8, 1993.

Defendant is requesting permission to appeal an Order that was entered in his criminal case approximately twelve years ago. This Court is without jurisdiction to grant such a request.

IT IS, THEREFORE, ORDERED that Defendant's Motion for Leave to File Notice of Appeal is hereby **DENIED**.

Signed: April 13, 2006

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
Chief United States District Judge

